

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

REX LEVON WILKINS §
VS. § CIVIL ACTION NO. 1:06cv553
UNITED STATES OF AMERICA §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Rex Levon Wilkins, an inmate incarcerated at the Federal Correctional Institute at Beaumont, Texas, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the petition. The magistrate judge recommends the petition be dismissed without prejudice for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections filed by petitioner. After careful consideration, the court is of the opinion the objections are without merit. The magistrate judge correctly concluded petitioner must fully exhaust his administrative remedies before proceeding with a petition in federal court.

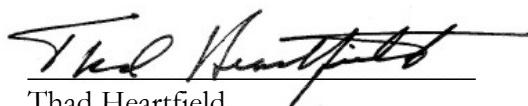
ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. A final judgment shall be entered dismissing the petition without prejudice.

Petitioner will be free to refile his petition after exhausting his administrative remedies.

SIGNED this the 19 day of April, 2007.



Thad Heartfield
United States District Judge